

REMARKS

Reconsideration of the application is respectfully requested.

Claims 1-44 are pending. Claim 1 was amended.

INFORMATION DISCLOSURE STATEMENT

Applicants thank the Examiner for returning the Form 1449 submitted on April 9, 2007. It appears however that one of the entries under "Other Disclosures" was overlooked and not initialled by the Examiner. Applicants submit herewith a copy of the partially considered document dated April 9, 2007, and considered May 22, 2010, and respectfully request that the Examiner initial the item entitled "Progress in Hydroformylation and Carbonylation."

35 USC § 112

Claims 1-44 were rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention for the reasons stated on page 3 of the Action. In response, the amended claims recite *and thereby by producing a hydroformylated product comprising butyraldehyde*. Withdrawal of the rejection is respectfully requested.

35 USC § 103

Claims 1-44 were rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 6,583,324 to Takai *et al.* (herein "Takai") for the reasons stated on pages 4-6 of the Action. Applicants respectfully disagree.

Takai is generally directed to the production of aldehydes in its more than eighty columns of disclosure. As the Action recognizes, it does not teach or suggest the ratios as recited in (a)-(c) of the claims but also, as Applicants point-out, no specific teaching or suggestion may be found for the combination of a propylene stream fed at a rate of at least 3 tonnes per hour as

recited in (i) combined with the propylene stream containing at least 97 mole % of propylene recited in (a). Applicants respectfully submit that it would be unfair to assert that the subject claims would be expected in view of Takai because one of ordinary skill in the art could only have arrived at the subject claims by using impermissible hindsight in view of Applicants' Specification. Indeed, there are simply too many process variables, constituent choices, ratios of reactants, process conditions, etc., to say that all the elements of the subject claims would be expected.

In particular, Applicants could not find a passage in Takai where one would look for guidance regarding the ratios to be used of the reactants other than a few examples. Applicants cannot understand how a few examples, i.e., data points, could give rise to ranges of molar ratios of several reactant constituents. Furthermore, the passages the Examiner sites with reference to sulfur and chlorine are in reference to building ligands for the catalyst not what type of sulfur or chlorine compounds may be tolerated or found in the olefin feed. Once sulfur and chlorine are incorporated into the ligand structure of the catalyst, it will not be able to hinder the active site of the catalyst, according to the Applicants' read of the passages. On the other hand, catalyst poisons such as nitriles and mercaptans are free in the feed and will inhibit the active site or otherwise hinder catalyst life. Given the great differences, in substance and number, between Takai and the subject claims, Applicants respectfully submit that a *prima facie* case of obviousness has not been established.

Applicants respectfully request that all rejections be withdrawn and solicit a prompt notice of allowability. In the alternative, Applicants invite the Office to telephone the undersigned attorney if there are any other issues outstanding which have not been presented to the Office's satisfaction.

If necessary to affect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to affect a timely response. Please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1712 (Docket No.: 2005M015).

Appl. No.: 10/591,733
Atty. Docket No.: 2005M015
Office Action dated May 26, 2010
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Respectfully submitted,

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Date

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